

REMARKS

An Examiner Interview was held on January 13, 2004 between Susan Hill and Examiner Mujtaba Chaudry. Claims 13 and 20 were discussed, along with the Modlin prior art. Applicants noted that in the most recent Office Action, dated 9/23/03, page 3, the Examiner stated "it is noted that the features upon which applicant relies are not recited in the rejected claim(s). For example, applicants contend Modlin does not suggest partitioning". Applicants intended the amendments made to claims 13 and 20 in their 8/21/03 amendment to add the functionality meant by "partitioning", namely "wherein at least one step performed by one of the first and second processors can be dynamically reassigned to a different one of the first and second processors". Thus functionality can be dynamically reassigned or partitioned between processors on the fly (i.e. dynamically). Applicants thus thought that perhaps there was just a misunderstanding with the Examiner as to what words he thought should be in claims 13 and 20 to claim this functionality. The Examiner indicated that perhaps a new prior art search was in order. Also, Applicants noted that there was an antecedent basis problem with Applicants prior amendment to claim 13. Thus it was agreed that Applicants would file an RCE with an amendment fixing the antecedent basis problem. The Examiner also indicated that he would not make his next response final.

Applicants respectfully assert that Modlin does not teach or even suggest that any step performed by one of the first and second processors can be dynamically reassigned to a different one of the first and second processors. Each of the blocks 152, 154, 156, 158, 160, 162, 164, and 166 (see remote receiver 150 of FIG. 1B in Modlin) described by the Examiner performs its predetermined function; there is no dynamic reassigning of functionality taught in Modlin. For example, the ADC 152 is never dynamically reassigned the task of demodulation. The task of demodulation is always performed by FFT 154.

Applicants strongly believe that the original claims as filed were allowable over the prior art of record because of the Examiner's express comments that Modlin (USPN 6,480,475) "does not explicitly teach the layout of a first processor to comprise the functionality of performing time to frequency conversion, equalization and decoding of the received data, and the second processor to comprise of the functionality of error correction" (see Office Action dated 4/23/03, page 4). Applicants also respectfully assert that Modlin does not even suggest such a partitioning. Note that a partitioning or dynamic reassigning of functionality would not be obvious to one of average skill in the art. Contrary to the Examiner's assertion that "using two processors instead of one would divide the responsibilities between the two processors and thus enhance the reliability", such a division of responsibilities could catastrophically damage the reliability of a DSL modem and associated connection (see Office Action dated 4/23/03, pages 4-

5). This is because the host processor may be overloaded by other applications and may be unable to handle the DSL functionality in as timely a manner as required for the DSL modem to function as required. This may be catastrophic in some applications. (See Specification, page 3, line 25 to page 5, line 29.) Video conferencing and real time music, among others, are two such examples.

However, in order to move prosecution of this application to resolution, Applicants previously amended independent claims 13 and 20 to clarify that a dynamic reassignment can be used wherein at least one step or operation performed by one of the first and second processors can be dynamically reassigned to a different one of the first and second processors. This dynamic reassignment, if properly used, can prevent catastrophic damage to the reliability of a DSL modem and associated connection.

Claim 20 was objected to. The examiner requested that claim 20 be "modified such that it includes what the method is for" (see Office Action dated 9/23/03, page 3). Although Applicants do not agree that an amendment to the preamble of claim 20 is required, Applicants have amended the preamble of claim 20 to include "for processing". Applicants respectfully note that this pro forma change to the preamble of claim 20 does not diminish the scope of claim 20 in any manner.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Applicants believe the present application is in condition for allowance which action is respectfully solicited. Please contact me if there are any issues regarding this communication or the current Application.

Respectfully submitted,

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